

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**PHILLIP A. BAUGHMAN, JR.,**

**Petitioner,**

**v.**

**Civil Action No. 3:15cv112  
(Groh)**

**WEST VIRGINIA SUPREME COURT;  
HON. JUDGE SWEENEY; and  
PLEASANTS COUNTY CIRCUIT COURT,**

**Respondent.**

**ORDER DISMISSING CASE FOLLOWING NOTIFICATION**

On September 28, Phillip A. Baughman, Jr. (“petitioner”), a *pro se* prisoner incarcerated at St. Marys Correctional Center (“SMCC”) in St. Marys, West Virginia, filed a request for issuance of mandamus regarding a complaint he filed in Pleasants County Circuit Court and the West Virginia Supreme Court of Appeals about a West Virginia Parole Board decision, attaching copies of a docket and filings from other courts. The request was not on a court-approved form, but for administrative purposes, the Clerk of Court docketed it as a petition for a writ of mandamus filed pursuant to 28 U.S.C. §1361.

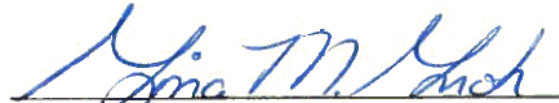
On October 5, 2015, Magistrate Judge Seibert issued a Notification to Baughman that the instant action would be dismissed in thirty (30) days, or by November 4, 2015, because Baughman had not complied with the Local Rules of Prisoner Litigation which require that all initiating documents be on court-approved forms. The Notification further advised Baughman that if he wished to pursue his mandamus action, he would be required to re-file his petition on the court-approved form which was to be provided to him with the Notification. A copy of the Notification was mailed to Baughman via certified mail, return receipt requested, at his last known address as reflected on the docket. A review of the docket indicates that the certified mail

return receipt shows that delivery of the Notification was accepted at SMCC on October 13, 2015.

A search of the docket on today's date indicates that despite having received notice that this case would be dismissed by November 4, 2015, Baughman has not re-filed his petition on the court-approved forms provided with the Notification. Nonetheless, the instant case must be dismissed pursuant to the terms of the Notification. If Baughman wishes to re-file, he may do so at any time, using the court-approved forms already provided.

The Clerk is DIRECTED to mail a copy of this Order to Petitioner by certified mail, return receipt requested, to his last known address as reflected on the docket sheet.

DATED: November 16, 2015

  
GINA M. GROH  
CHIEF UNITED STATES DISTRICT JUDGE